THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.NO.17520 OF 2007

Dated 20-08-2007

Between:

M.Venkateswarlu

…Petitioner

And

The State of A.P. and another

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.NO.17520 OF 2007

ORDER:

The petitioner had a son, by name M. Srinivasa Rao. He is said to have been born on 30-11-1979. It is urged that by the time the birth

certificate was issued, the child was not named and later on, it became necessary for obtaining a certificate, which contains the name of the child. For this purpose, the petitioner filed a representation, dated 01-08-2007 to the 2nd respondent for issuance of a birth certificate to his son, duly entering his name in it. The

2nd respondent replied through letter dated 07-08-2007, stating that such a course is not permissible under Section 14 of the Registration of Birth and Death Act, 1969 (for short 'the Act'). The petitioner assails the same.

The learned counsel for the petitioner submits that there is nothing in the Act, which precludes or prohibits the registering authority to enter the name of the person in the birth certificate even at a subsequent stage. He places reliance upon the judgment of Gujarat High Court reported in ***DIPIKA ARVINDKUR PANCHOLI vs. STATE OF GUJARAT***[1]***.***

The petitioner contends that his son is now residing in USA. In view of the fact that the son of the petitioner is a major, and the certificate, in relation to him, an application is required to be made, by himself. The petitioner can, at the most, assist the respondents to identify the person, whose date of birth is being certified.

The Act provides for issuance of birth certificate. The certificate in Form No.V provides for entering the name of the person, whose date of birth is certified. It is a common practice, particularly, in Indian families that the children are named after performing a ceremony. If the birth certificate is issued before such ceremony, there does not exist an occasion for entering the name. From the Acts and the Rules made thereunder, it is clear that there is no prohibition for entering the name of the person, may be after due verification. The Gujarat High

Court took the view that it is permissible under the Act and Rules to enter the name of a person even after fifteen years, if the identity of the person is not in dispute.

Having regard to the provisions of the Act and the judgment of the Gujarat High Court, this Court finds that the 2nd respondent ought to have considered the application of the petitioner and entered the name of his son in the certificate, after satisfying as to the identity.

Hence, the writ petition is disposed of, directing that as and when the son of the petitioner submits the application, in person, with necessary proof, the 2nd respondent shall consider the same and enter the name of the applicant in the birth certificate, after satisfying himself that it relates to the person, whose name is sought to be entered. This exercise shall be completed within four weeks from the date by which such an application is filed by the candidate himself.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.20-08-2007

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[1] AIR 2003 Gujarat 102